

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES

:

v.

: **Crim. No. MJG 17-0667**

DAVON CARTER

:

RESPONSE TO GOVERNMENT'S MOTION TO EXCLUDE TIME

Defendant Davon Carter, by and through counsel,
respectfully submits his response to the Government's motion to
exclude time pursuant to the Speedy Trial Act (ECF Doc 18).

The defendant has requested that counsel assert his speedy
trial rights. However, recognizing the severity of the charges and
the lack of any case law to override the government's interest in
having a *reasonable amount of time* to decide whether to authorize
the case for capital punishment,¹ the defendant suggests:

a. That the Department of Justice either file its
Notification of Government's Intent to Seek Death Penalty
on or before May 2, 2018 or be precluded from seeking the
death penalty in this case.

b. That the Speedy Trial clock be tolled from the date
of the defendant's initial appearance to May 2, 2018.

¹ Death penalty consideration process is a valid reason to grant an ends of justice continuance under the Speedy Trial Act. U.S. v. Murillo, 288 F.3d 1126,1133 (9th Cir. 2002).

c. That the Court set a discovery cut-off date of May 2, 2018.

d. That a motion filing schedule, hearing date, and trial date be set during a May 3, 2018 telephone conference with the parties.

Respectfully submitted,

_____/s/_____
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CERTIFICATE OF SERVICE

I hereby certify that this motion was served upon all counsel of record via the Court's CM/ECF System on this 7th day of February 2018.

_____/s/_____
Christopher M. Davis